

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

IN RE

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CHAPTER 13

CASE NO. 18-10711

DEBTOR

JUDGE: Cecelia G. Morris

OBJECTION TO CONFIRMATION

Michael J. Chatwin, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with Shapiro, DiCaro & Barak, LLC, attorney for Nationstar Mortgage LLC d/b/a Mr. Cooper as Servicer for Wells Fargo Bank, National Association, As Trustee For Securitized Asset Backed Receivables LLC Trust 2005-FR4 Mortgage Pass-Through Certificates, Series 2005-FR4, and am familiar with the facts and circumstances surrounding this matter.

2. Wells Fargo Bank, National Association, As Trustee For Securitized Asset Backed Receivables LLC Trust 2005-FR4 Mortgage Pass-Through Certificates, Series 2005-FR4, holds a mortgage on the Debtor's real property known as 647 East 223rd Street, Bronx, NY 10466 (the "Property").

3. Nationstar Mortgage LLC d/b/a Mr. Cooper will be filing a Proof of Claim for pre-petition mortgage arrears in the approximate amount of \$542,749.79, which will be filed with the Court by the bar date of April 27, 2018. Debtor's proposed Chapter 13 Plan lists no arrears and makes no provision for full payment of the mortgage arrears in violation of Bankruptcy Code Section 1325(a)(5)(B)(ii).

4. Debtor's proposed Chapter 13 plan requested participation in Loss Mitigation, however, the loan investor does not permit "any modification with respect to any Mortgage Loan that would change the Mortgage Rate, reduce or increase the principal balance...or change the final maturity date..." per the Pooling and Servicing Agreement as stated in the Objection to Loss Mitigation Request filed on March 30, 2018 under docket number 9.

5. The plan does not provide for the making of the regular monthly note and mortgage payments by Debtor as required by 11 U.S.C. § 1322 (b)(5).

6. The plan is not adequately funded. The plan does not contain funds sufficient to pay Secured Creditor's pre-petition arrearages in full as required by 11 U.S.C. § 1325 (a)(5)(B)(ii).

WHEREFORE, the undersigned respectfully requests the Debtor to amend their Chapter 13 Plan to reflect the proper mortgage arrears and ongoing post-petition payments as specified earlier or, in the absence of an amendment to the Plan, the undersigned respectfully requests an Order of this Court denying confirmation of Debtor's Chapter 13 Plan pursuant to Bankruptcy Code Section 1325 and such other and further relief as may be just and proper.

Dated: 4/17/2018

/s/ Michael J. Chatwin
Michael J. Chatwin
Bankruptcy Attorney
Shapiro, DiCaro & Barak, LLC
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for Wells Fargo Bank, National Association, As
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